IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO. 77 OF 2007

SERTORIO S. FACHO, PANJIM ... Appellant
Versus
MR. TARZAN DE COSTA, PANAJI ... Respondent

In Person,
Ms W.Coutinho, P.P. as Amicus Curiae

Coram:- D. B. BHOSALE, J.

Date:- 13th December, 2007

P.C.

Heard the applicant in person and learned Public Prosecutor as Amicus Curiae. This appeal is directed against the order dated 19.10.2007 by which the application filed by the appellant in Criminal Misc.Application No.65/2007 in Criminal Misc. Application No.35/2007 in Civil Suit No.5/2006 has been rejected. The application was filed U/s.340 of the Criminal Procedure Code for the offence U/s.182 and 209 of I.P.C. I perused the application and the order dated 19.10.2007. In my opinion, the impugned order cannot be faulted for the reasons recorded therein. No case for interference is made out. Hence, this appeal is dismissed. Dismissal of the appeal, however, does not preclude the applicant from prosecuting his application, filed before the trial Court, seeking restoration of his Civil Suit No.5/2006 which according to the appellant, is still pending for hearing. With these observations, this appeal is disposed of.

D. B. BHOSALE, J.

SMA